

# **EXHIBIT 36**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TQ DELTA, LLC, v. 2WIRE, INC.	Plaintiff,  Defendant.	Civil Action No. 13-cv-1835-RGA
TQ DELTA, LLC, v. ZYXEL COMMUNICATIONS, INC. and ZYXEL COMMUNICATIONS CORPORATION,	Plaintiff,  Defendants.	Civil Action No. 13-cv-2013-RGA
TQ DELTA, LLC, v. ADTRAN, INC.	Plaintiff,  Defendant.	Civil Action No. 14-cv-954-RGA
ADTRAN, INC., v. TQ DELTA, LLC.	Plaintiff,  Defendant.	Civil Action No. 15-cv-121-RGA

**~~PROPOSED~~ CLAIM CONSTRUCTION ORDER  
FOR THE FAMILY 6 PATENTS**

The Court has determined that the terms below shall be given the following meaning for the Family 6 Patents (U.S. Patent Nos. 8,462,835<sup>1</sup>, and 8,594,162<sup>2</sup>):

<sup>1</sup> The '835 patent is asserted against 2Wire, Inc., ZyXEL Communications, Inc., ZyXEL Communications Corporation, and ADTRAN, Inc.

<sup>2</sup> The '162 patent is only asserted against ADTRAN, Inc.

1. **“flag signal”** (‘835 patent, claims 8 and 10) – “signal used to indicate when an updated FIP setting is to be used (the signal does not include the FEC codeword counter value upon which the updated FIP setting is to be used)”
2. **“flag signal”** (‘162 patent, claims 8 and 9) – “signal used to indicate when an updated interleaver parameter value is to be used (the signal does not include the FEC codeword counter value upon which the updated interleaver parameter value is to be used)”
3. **“interleaver parameter value”** (‘835 patent, claims 8 and 10; ‘162 patent, claims 8 and 9) – “numerical value of the interleaver depth”
4. **“FIP setting”** (‘835 patent, claims 8 and 10) – “set including at least one forward error correction parameter value and at least one interleaver parameter value”
5. **“FIP value”** (‘835 patent, claims 8 and 10) – “numerical value of a forward error correction parameter or numerical value of an interleaver parameter”
6. **“the switching occurs on a pre-defined forward error correction codeword boundary”** (‘835 patent, claims 8 and 10) – “the switching to an updated FIP setting is effective on the boundary of a forward error correction codeword where the position of the boundary of each codeword is known prior to the switching”
7. **“the second interleaver parameter value is used for transmission on a pre-defined forward error correction codeword boundary”** (‘162 patent, claims 8 and 9) – “the second interleaver parameter value is used for transmission starting on a boundary of a forward error correction codeword where the position of the boundary of each codeword is known prior to use of the second interleaver parameter value”
8. **“transceiver”** – “communications device capable of transmitting and receiving data wherein the transmitter portion and receiver portion share at least some common circuitry”

9. “steady state” (‘835 patent, claims 8, 10) – “the state of the transceiver reached after all initialization and training is completed in which user data is transmitted or received”

10. The preamble of the ‘835 patent, claims 8 and 10 is limiting.

IT IS SO ORDERED this 24 day of July \_\_, 2018.

  
Richard G. Andrews, United States District Judge